

Application No. 10/665,100
Amendment dated November 12, 2004
Reply to Office Action of July 12, 2004

Docket No. 1232-5157

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

Status of the Claims

Claims 1-9 are pending in this application. Claims 1 and 8 are independent. All of the pending claims are rejected. By this amendment, claims 1-9 are cancelled without prejudice or disclaimer. New claims 10-23 are added. No new matter has been added by this amendment.

Rejection under 35 U.S.C. §102

Claims 1 and 3-9 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US2002/0042664A1 to Kikuchi ("Kikuchi").

The Examiner asserts among other things that "[t]he mean sum of the squares of the residual errors is minimized (paragraph 0019, 00230 and 0232). The method matches image information wit [sic] a template that exhibits maximum correlation (paragraphs 0275 and 0289 and 0290).) The Examiner then asserts that "[i]n these paragraphs it is implied that the data is compared to stored data, and the information is matched with the best stored data."

Claims 1-9 have been cancelled rendering the rejections directed to these claims moot.

Withdrawal of the rejections of claims 1 and 3-9 under 35 U.S.C. §102(e) is respectfully requested.

New Claims

Claims 10-23 have been added to recite the claimed invention in an alternative manner. Specifically, added independent claim 10 recites a position determination method of a plurality of regions on an object including: "detecting" an image of a mark on each of a plurality of

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regions on the object thereby generating image data; a first "obtaining" a position of the mark in the image data with respect to each of the plurality of regions by processing the image data with a first method; a second "obtaining" a position of the mark by processing the image data with a second method; a third "obtaining" an expression approximately representing the positions; "evaluating" approximation degrees of the expressions; and "selecting" one of the first and second methods based on evaluation results in said evaluation step. Added independent claim 17 recites similar features to claim 10 as discussed herein.

As Applicants understand it, Kikuchi fails to show or suggest the invention of the added claims as discussed above, i.e., the first through third "obtaining" steps, "evaluating" and "selecting."

Accordingly, each of added claims 10-23 is neither anticipated by nor rendered obvious in view of Kikuchi for at least the reasons discussed above.

Applicants believe that the application with the added claims is in condition for allowance and such action is respectfully requested.

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AUTHORIZATION

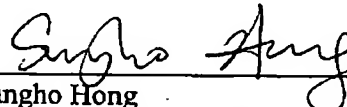
A petition for a one-month extension of time along with the associated fee is enclosed, extending the date for responding until November 12, 2004. Should an additional extension of time be required to render this paper timely filed, such extension is hereby petitioned and the Commissioner is authorized to charge any other fees necessitated by this Amendment, or credit any overpayment to our Deposit Account No. 13-4500 (Order No. 1232-5157). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: November 12, 2004

By:


Sungho Hong
Registration No. 54,571
(212) 415-8700 Telephone
(212) 415-8701 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101

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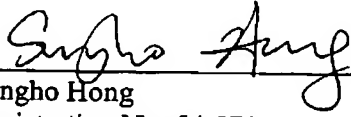
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